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EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,200	PARIKH ET AL.	
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-18,20-24,26-29,31-37 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 7-18, 20-24, 26-29, 31-37 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Amendment filed: 09/29/2008. This action is made **Final**.

B. Claims 1-4, 7-18, 20-24, 26-29, 31-37 and 41 remain pending.

Claim Objections

C. Claim 31 objected to because of the following informalities: It is indicated that claim 31 is both present and canceled. This seems to be in error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-10, 12-18, 20-21, 23-24, 26-29, 31-37 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Breinberg et al. (US Patent 5,886,694), hereinafter "Breinberg"

As claim 1, Breinberg teaches a method of making ready for presentation a graphical element in a computer application program by communicating with a computer

operating system (col. 1, lines 59-62; col. 13, lines 34-39), the method comprising: executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children and determines a size for the element based on an element type for the element when the element has no children (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43-49, that when the layout stage is implemented it is measuring the size and position of each frame (element)); executing a second procedure for arranging the element (col. 2, lines 1-9; col. 4, lines 57-64; col. 11, lines 51-55, that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space); and wherein the second procedure is invoked and executed independently from the first procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13); computes a final size for the element, performs internal arrangement functions on the element if the element has no children an dif the element has children computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment, and color operations affecting the appearance of the element and wherein the display positions comprise a coordinate of a shape representing the element (col.2, lines 20-27; col.9, lines 64-67; col.10, lines 1-24, 45-57; col.11, lines 1-8, 15-21 and 39-55; col.14, lines 27-36 and 41-55; col.15, lines 15-20; figures 5-8, item 712). (col.9, line 55 – col.11, line 41).

As claim 2, Breinberg further teaches the first procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

As claim 3, Breinberg further teaches the first procedure computes desired sizes for child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

As claim 4, Breinberg further teaches the first procedure comprises determining whether a child-element requires computation of its desired size (col. 17, lines 14-22).

As claim 7, Breinberg further teaches signaling the element's need to be measured by the first procedure (fig. 4, label 404; col. 10, lines 18-24).

As claim 8, Breinberg further teaches the signaling step comprises calling a measure invalidation function (col. 2, lines 24-27).

As claim 9, Breinberg further teaches the signaling step further comprises setting a flag on the element (col. 13, lines 3-8).

As claim 10, Breinberg further teaches the signaling step comprises notifying the operating system (col. 13, lines 37-39).

As claim 12, Breinberg further teaches the element requests the measuring of all elements needing to be measured (fig. 4; label 404; col. 10, lines 18-24).

As claim 13, Breinberg further teaches signaling with a signal an element's need to be arranged by the second procedure (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefor, when anyone of the child frames change a windows message is sent to arrange the child frames).

As claim 14, Breinberg further teaches the signal comprises calling an arrange invalidation function (col. 2, lines 24-27, it is inherent that a windows message will be Sent for all windows (elements) that need to be arranged).

As claim 15, Breinberg further teaches the signaling step further comprises setting a flag on the element (col. 13, lines 3-8).

As claim 16, Breinberg further teaches the element requests the arranging of all elements needing to be arranged (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefore, when anyone of the child frames change a

windows message is sent to arrange all the child frames).

As claim 17, Breinberg teaches a computer storage medium having stored thereon a set of executable procedures callable by a computer application program for making ready for presentation a graphical element (col. 1, lines 59-62 and lines 64-67; col. 2, line 1), including at least: a first procedure for measuring the element (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43- 49, that when the layout stage is implemented it is measuring the size and position of each frame (element));

a second procedure for arranging the element, wherein the second procedure at least determines whether the element has one or more children and performs internal arrangement functions on the element when the element has no children (col. 2, lines 1-9; col. 4, lines 57-64; col. 11, lines 51-55,.that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space);

and wherein the first procedure and the second procedure are used to mange a layout of one or more graphical elements, and the second procedure is called and executed independently from the first procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13); computes a final size for the element , performs internal arrangement functions on the element if the element has no children an dif the element has children

computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment, and color operations affecting the appearance of the element and wherein the display positions comprise a coordinate of a shape representing the element (col.2, lines 20-27; col.9, lines 64-67; col.10, lines 1-24, 45-57; col.11, lines 1-8, 15-21 and 39-55; col.14, lines 27-36 and 41-55; col.15, lines 15-20; figures 5-8, item 712). (col.9, line 55 – col.11, line 41).

As claim 18, Breinberg further teaches the first procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

As claim 20, Breinberg further teaches at least a procedure for signaling the element's need to be measured (fig. 4, label 404; col. 10, lines 18-24).

As claim 21, Breinberg further teaches at least a procedure for signaling the element's need to be arranged (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

As claim 23, Breinberg further teaches at least a procedure for requesting the measurement of all elements needing to be measured (fig. 4, label 404; col. 10, lines 18-24).

As claim 24, Breinberg further teaches at least a procedure for requesting the arrangement of all elements needing to be arranged (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

As claim 26, Breinberg teaches a computer system for making ready for presentation a graphical element (fig. 3; col. 8, lines 31-34), the system comprising: a memory for storing executable program code; and a processor, functionally coupled to the memory, the processor being responsive to computer-executable instructions contained in the program code and operative to execute (col. 6, lines 1-7. It is inherent the data about the frame (element) is contained in a data structure describing the position and dimensions of the specified frame (element)); a first executable procedure using the data structure for measuring the element, wherein the first executable procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43-49. It is inherent that when

the layout stage is implemented it is measuring the size and position of each frame (element)); and a second executable procedure using the data structure for arranging the element (col. 2, lines 1-9; col. 4, lines 57-64; col.-11, lines 51-551 that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space); computes a final size for the element , performs internal arrangement functions on the element if the element has no children an dif the element has children computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment, and color operations affecting the appearance of the element and wherein the display positions comprise a coordinate of a shape representing the element (col.2, lines 20-27; col.9, lines 64-67; col.10, lines 1-24, 45-57; col.11, lines 1-8, 15-21 and 39-55; col.14, lines 27-36 and 41-55; col.15, lines 15-20; figures 5-8, item 712). (col.9, line 55 – col.11, line 41).

As claim 27, Breinberg further teaches the data structure comprises: a first value representing the desired size of the element (col. 2, lines 26-27; col. 14, lines 52-55, it is inherent that the attributes is the value for the size); a second value representing the computed size of the element (col. 2, lines 26-27; col. 14, lines52-55, it is inherent that after the result of the method/function call, the returned value is the computed size value for the element); a first flag for triggering measurement of the element (col. 10, lines 3-20); and a second flag for triggering arrangement of the element (col. 10, lines 45-57).

As claim 28, Breinberg further teaches the first executable procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be retuned).

As claim 29, Breinberg further teaches the first executable procedure computes desired sizes of child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

As for claim 31, Breinberg further teaches wherein the second executable procedure further computes display positions for a child-element of the elements (figure 4).

As claim 32, Breinberg further teaches using the first flag for signaling the element's need to be measured by the first executable procedure (fig. 4, label 404; col. 10, lines 18-24).

As claim 33, Breinberg further teaches using the second flag for signaling the element's need to be arranged by the second executable procedure (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame.

Therefore, when anyone of the child frames change a windows message is sent to arrange all child frames).

As claim 34, Breinberg inherently teaches a computer-readable medium (computer-executable instructions in order to be operational must be stored and implemented from a computer-readable medium) including computer-executable instructions facilitating making ready for presentation a graphical element in a system (col. 1, lines 59-61 and lines 64-67; col. 2, line 1), computer-executable instructions executing the steps of: calling a measuring procedure to measure the element, wherein the measuring procedure at least determines whether the element has one or more children and determines a size for the element based on the an element type for the element when the element has no children (fig. 6, label 602; col. 2, lines 1-3; col. 11, lines 43-49); calling an arranging procedure to arrange the element, wherein the arranging procedure at least determines where the element has one or more children and performs internal arrangement functions on the element when the element has no children (col. 2, lines 1-3; col. 11, lines 51-55); and wherein the measuring procedure is called and executed independently from the arranging procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13); computes a final size for the element , performs internal arrangement functions on the element if the element has no children an dif the element has children computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment, and color operations affecting the appearance of the element and wherein the display positions comprise a top-left

coordinate of a rectangle representing the element (col.2, lines 20-27; col.9, lines 64-67; col.10, lines 1-24, 45-57; col.11, lines 1-8, 15-21 and 39-55; col.14, lines 27-36 and 41-55; col.15, lines 15-20; figures 5-8, item 712). (col.9, line 55 – col.11, line 41).

As claim 35, Breinberg further teaches the measuring procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

As claim 36, Breinberg further teaches the measuring procedure computes desired sizes for child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

As claim 37, Breinberg further teaches the measuring procedure comprises determining whether a child-element requires computation of its desired size (col. 17, lines 14-22).

As claim 41, Breinberg teaches a method for arranging for presentation a graphical element in a computer application program (col. 1, lines 65-67; col. 2, line 1), the method comprising: receiving a final size parameter for the element (fig. 6, label 602; col. 2, lines 1-11; col. 11, lines 43-49, that the auto-layout engine will provide the final size of the frame (element) based on the calculations that are made while the auto-

layout engine is implemented); and causing an arranging function to provide a computed size parameter for the element, using the final size parameter, wherein the arranging function at least determines wheat the element has one or more children, computes a final size for the element , performs internal arrangement functions on the element if the element has no children an dif the element has children computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment, and color operations affecting the appearance of the element and wherein the display positions comprise a coordinate of a shape representing the element (col.2, lines 20-27; col.9, lines 64-67; col.10, lines 1-24, 45-57; col.11, lines 1-8, 15-21 and 39-55; col.14, lines 27-36 and 41-55; col.15, lines 15-20; figures 5-8, item 712). (col.9, line 55 – col.11, line 41); (col. 4, lines 45-55; col. 11, lines 19-25. It is inherent that the auto-layout engine determines the size and dimensions, and the returned value is the computed size value for each frame (element) based on the final size requested).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breinberg in view of Lupu (US Pub 2004/0100480).

As claim 11, Breinberg does not teach the signaling step comprises notifying the element's parent-element. However, Lupu teaches the signaling step comprises notifying the element's parent-element (par [0007]). Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Breinberg by having signaling step to notify the element's parent-element as taught by Lupu in order to provide constant communication between window objects (elements) enhancing the over all functionality.

As claim 22, Breinberg does not teach the procedure for signaling to a parent element the child element's need to be measured. However, Lupu teaches the procedure for signaling to a parent element the child element's need to be measured (par [0007]). Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Breinberg by having the procedure for signaling to a parent element the child element's need to be measured as taught by Lupu in order to provide a functional interface between modules utilizing window messages constantly updating the status of each window object (element).

(Note :) **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Response to Arguments

Applicant's arguments filed 09/29/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that Breinberg does not teach a second procedure for arranging the element, wherein the second procedure is invoked and executed independently from the first procedure, computes a final size for the element, performs internal arrangement functions on the element if the element has no children and if the

element has children, computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment and color operations affecting the appearance of the element.

R1. Examiner does not agree Breinberg teaches more than a mere discussion of the arrangement and repositioning of frames. Breinberg explains a plurality of procedures that are designed to configure the layout of a graphical user interface in such that elements of the interface are all positioned, sized, colored in a way to effectively display them to the user by the autolayout engine. Figure 4 item 404 determines initial dimensions of each frame that has one or more children elements and to which these elements (leaf nodes) are sized and positioned accordingly as well; Thus Breinberg teaches a first procedure (column.9, lines 55-67; column 10, lines 1-36; column 11, lines 39-41). Next Breinberg teaches a second procedure to compute the final size of the elements of the interface at 410 which is further described in 510 which takes the elements defined by 404 and finalizes the size, placement, etc... Further Breinberg makes mention of the three visual aspects elements of the interface font (col.10, line 23), alignment (column 11, line 24) and color (column 2, lines 54-55) each of which affect the final visual presentation of the elements of the graphical user interface. Please note column 9, line 55 through column 11, line 41 for the complete teaching of figure 4 and 5. By this explanation It is now clear that Breinberg in fact teaches a second procedure for arranging the element, wherein the second procedure is invoked and executed independently from the first procedure, computes a final size for the element, performs internal arrangement functions on the element if the element

has no children and if the element has children, computes display positions for a child-element of the element, wherein the internal arrangement functions include font, alignment and color operations affecting the appearance of the element.

A2. As for claims 17, 26, 34 and 41 Applicant argues that Breinberg does not teach a top-left coordinate of a rectangle representing the element as a basis of computing a position of a child-element.

R2. Examiner does not agree, note R1 above and in addition to figure 7, item 712 in such that Breinberg teaches the use of coordinates to determine the exact placement/alignment and size of elements (parent and children) on the graphical user interface.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
December 4, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179